

5095. Adulteration and misbranding of pork and beans. U. S. * * * v. 600 Cases * * * of Pork and Beans. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 7332. I. S. No. 10137-1. S. No. C-469.)

On April 19, 1916, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases, each containing 2 dozen cans of pork and beans, consigned on February 12, 1916, and remaining unsold in the original unbroken packages at Springfield, Ill., alleging that the article had been shipped by the Wisconsin Pea Cannery Co., Manitowoc, Wis., and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (100 cases) "Bunny Brand Pork and Beans, * * *" and (500 cases) "Bunny Brand Pork and Beans in Tomato Sauce * * *."

Adulteration of the article was alleged in substance in the libel for the reason that it contained and showed the presence of partly decomposed beans. It was further alleged in substance that the portion of the article labeled "In Tomato Sauce" was also adulterated for the reason that it was colored by annatto in a manner whereby damage and inferiority were concealed, and no tomato sauce was present therein.

Misbranding was alleged for the reason that the statement on the label, to wit, "In Tomato Sauce," was false and misleading and calculated to deceive and mislead the purchaser.

On September 11, 1916, the said Wisconsin Pea Cannery Co., a corporation, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*